POLICY NOTE

THE PRIVATE RESIDENTIAL TENANCIES (PRESCRIBED NOTICES AND FORMS) (SCOTLAND) REGULATIONS 2026

SSI 2026/279

The above instrument was made in exercise of the powers conferred by sections 17(3), 22(2)(b), 24(3) and (4), 61(3)(b), 62(1)(d), 76 and 77(2) of the Private Housing (Tenancies) (Scotland) Act 2016 (2016 Act). The instrument is subject to the negative procedure.

This instrument revokes and replaces The Private Residential Tenancies (Prescribed Notices and Forms) (Scotland) Regulations 2017. Its purpose is to makes changes to prescribed notice and forms as a consequence of changes to the 2016 Act made through the Housing (Scotland) Act 2025 (2025 Act) and to update forms and improve clarity.

Policy Objectives

More detailed changes are required to the Rent Increase Notice (schedule 2 of the Order) and the Referral by a Tenant to A Rent Officer (schedule 3). The Application by a Landlord to a Rent Officer (schedule 4 of the 2017 Order) is not being re-enacted in the new Order as it relates to Rent Pressure Zones, the legislation for which has been repealed by the 2025 Act.

The main changes to the Tenant's Notice of Intention to Apply to the First-Tier Tribunal (Schedule 1 of the order) are to reflect the introduction of rent control areas.

The main changes to the Rent Increase Notice (schedule 2 of the Order) are as follows:

i. references to Rent Pressure Zone (which have been repealed by the 2025 Act) have been removed and new provisions have been added to reflect the introduction of Rent Control Areas;
ii. the form has been updated to reflect modification of section 24(d) to increase the timescale within which a tenant must refer a case to the Rent Officer to 30 days of receiving a rent-increase notice;
iii. changes have been made to reflect section 25 of the 2016 Act which means a Rent Officer cannot set a rent higher than the amount specified in the rent increase notice when determining rent; and
iv. the form has been updated to make clear that a tenant must complete and return part 3 of the form 'Response to the Proposed Rent Increase" in order to intimate to the landlord their intention to apply to the Rent Officer.

The main changes to the Referral to a Rent Officer form (schedule 3 of the Order) are as follows:

i. the form has been updated to include Rent Service Scotland's postal address; and
ii. the form now asks for further information to inform the determination of rent by the Rent Officer, for example on the condition of the property in relation to dampness.

iii. the form has been updated to reflect the increase in timescale from 21 days to 30 days for a review of a proposed rent increase

Only minor changes are made to the Notice to Leave (Schedule 4) and Sub-Tenancy Notice to leave (Schedule 5) forms to remove wording about the timing of the use of the form that is no longer necessary.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the Act), the Scottish Ministers certify that, in their view, The Private Residential Tenancies (Prescribed Notices and Forms) (Scotland) Regulations 2026 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration
This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

A public consultation *The New Deal for Tenants' Draft Rented Strategy* was carried out in support of the measures included the Housing (Scotland) Act 2025 including in relation changes to Rent Adjudication.

Analysis of consultation responses are on the Scottish Government website: https://www.gov.scot/publications/new-deal-tenants-analysis-report-responses-consultation-exercise/

The change to the timescale that tenants have to apply to a Rent Officer from 21 days to 30 day was agreed at Stage 2 of the Bill which became the Housing (Scotland) Act 2025 and will come into force on 1 April 2027. Discussion with stakeholders on this measure was carried out as part of the Stage 2 process. Further engagement on the changes to prescribed forms has been carried out with members of the Rent Control and Private Rented Sector Reform Measures Stakeholder Group (https://www.gov.scot/groups/rent-control-and-private-rented-sector-reform-measures-stakeholder-group/) and a number of changes were taken on board to improve clarity and understanding to support tenants and landlords using the forms.

Impact Assessments

A full range of impact assessments was carried out as part of the passage of the Housing (Scotland) Act 2025. These are noted below:

- Rented sector reform: child rights and wellbeing impact assessment - https://www.gov.scot/publications/rented-sector-reform-child-rights-wellbeing-impact-assessment/

- Rented Sector Reforms: Fairer Scotland Duty Assessment - https://www.gov.scot/publications/rented-sector-reforms-fairer-scotland-duty-assessment/
- Rented Sector Reform: Island Communities Impact Screening Assessment - https://www.gov.scot/publications/rented-sector-reform-island-communities-impact-screening-assessment/pages/1/
- Rented Sector Reform: Business and Regulatory Impact Assessment - https://www.gov.scot/publications/rented-sector-reform-housing-scotland-bill-business-regulatory-impact-assessment/

A further *Child Rights and Wellbeing* impact assessment has been completed to support this instrument. The impact of changes to prescribed forms and notices as part of implementing the provisions of the Housing (Scotland) Act 2025 has been as assessed as neutral.

Financial Effects

There are no financial effects associated with this instrument. The Financial Memorandum (https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/housing-scotland-bill/introduction/financial-memorandum.pdf) for the Housing (Scotland) Bill sets out the estimated costs for measures in the Act as introduced including changes to the Rent Adjudication and a Business and Regulatory Impact Assessment was also carried out as part of the passage of the Housing (Scotland) Act 2025.

Scottish Government
Better Homes Directorate

29 September 2026